

HOUSE BILL 2398

By Watson

AN ACT to repeal Chapter 224 of the Private Acts of 1965; and any other acts amendatory thereto, and to establish a Bradley County Governmental Library Commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 224 of the Private Acts of 1965, and any other acts amendatory thereto, is repealed.

SECTION 2. There is hereby established a commission to be known as the Bradley County Governmental Library Commission (Library Commission). The Library Commission shall be composed of one (1) member nominated by the bar association of Bradley County; one (1) member nominated by the public library board of the public library of Bradley County; and one (1) member nominated by the Mayor of Bradley County. Such members shall be subject to the approval of the Bradley County Commission. A chairman of the Library Commission shall be elected annually by the members of the Library Commission. Each member shall serve for a period of two (2) years. In the event of a vacancy on the Library Commission, such vacancy shall be filled for the balance of the term in the same manner as the original appointment. The members of the Library Commission shall serve without compensation.

SECTION 3. The purpose of the Library Commission shall be to maintain and operate a county governmental library. The existing County Governmental Library, if any, shall be subject to the direction, power and authority of the Library Commission established hereby. The Library Commission shall have the full power and authority to acquire by purchase, gift, rent, lease, loan or otherwise, law books, codes, treatises or other works of law, government, medicine, literature, or otherwise that the Library Commission deems necessary or beneficial to the courts; state, county and municipal officials; members of the bar; and members of the public, for research or use in preparation for trial or decisions of any matters that come or may come

before the courts of Bradley County or the state and for the use of public officials or the public on questions of law or government. The Library Commission is also authorized to acquire in like manner furniture, fixtures, bookcases, supplies, computers, services and all things necessary to establish, maintain, and operate the County Governmental Library. The Library Commission may employ and discharge librarians, clerks and other assistants and fix salaries of such employees. The Library Commission is authorized to make and adopt reasonable rules governing the use of the County Governmental Library. The County Governmental Library shall be located at such facilities and quarters as are determined by the Library Commission to be in the best interest of all persons for whom the benefit of such library is established. All books, assets, furniture, equipment or rights purchased or acquired pursuant to this Act shall become and are the property of Bradley County.

SECTION 4. For the purpose of financing the County Governmental Library, there shall be taxed as cost on each civil, criminal, quasi-civil, quasi-criminal, or any other action at law or suit in equity of any nature, hereinafter filed in, arising in, or brought by appeal, certiorari or otherwise in any court including the circuit, criminal, chancery, domestic relations, or general sessions courts of Bradley County, the sum of one dollar (\$1.00). The cost assessed pursuant to this section shall be designated the County Governmental Library Tax and shall be collected by the clerks of such courts after the payment of state litigation tax accrued thereon but before applying any of the amount collected as costs to any other fund or item of cost; provided that those costs paid by the counties or the state of Tennessee upon the return of nulla bonas are hereby expressly exempt for purposes of this Act. The clerks of the respective courts shall pay to the County Trustee as provided by law all amounts collected as County Governmental Library Tax in the preceding calendar month. The sums paid to the County Trustee shall be designated as the County Governmental Library Fund and used only for the purposes set out in this Act. The Bradley County Commission shall have the authority to increase the amount taxed as costs herein up to the sum of five dollars (\$5.00) per case as the County Commission deems necessary to fulfill the purposes of the County Governmental Library.

On approval of a majority of the Library Commission, the chairman of the Library Commission shall submit to the County Mayor for payment such expenditures as are approved

by the Library Commission within the Library Commission's budget indicating on such submission the fund against which such expenditure shall be drawn. The County Trustee is hereby authorized and directed to make payment out of such fund upon the warrants so issued by the County Mayor upon presentation by the chairman of the Library Commission and submitted in compliance with the provisions of this Act. In all cases the Library Commission is limited to the expenditures of anticipated revenues for the fiscal year.

SECTION 5. The Library Commission shall have the power and authority to make charges for the use, damage or destruction of books or other property. Any income from such charges shall be paid by the Library Commission into the office of the County Trustee in a like manner and at all times as monies collected hereunder shall be paid by the clerks of the various courts to the County Trustee.

SECTION 6. The Library Commission shall keep written minutes of the Library Commission's meetings, at which meetings a majority of all members of the Library Commission then serving shall constitute a quorum for the transaction of business. The Library Commission shall keep with reasonable accuracy a record of monies received and disbursed; purchases; losses or destruction of books or other property; and a property inventory. An annual report of all the above shall be made annually to the Bradley County Commission at the County Commission's May term.

SECTION 7. All laws, or parts of law, in conflict with the provisions of this Act are hereby repealed.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Bradley County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Bradley County and certified to the secretary of state.

SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 8.